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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,332	01/29/2007	Shunji Ohba	403737/SHUTOH	9759
23548 7590 04/15/2009 LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960			EXAMINER YOKAY, ERIN P	
			ART UNIT 3751	PAPER NUMBER
			MAIL DATE 04/15/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/583,332	Applicant(s) OHBA, SHUNJI	
	Examiner ERIN YOKAY	Art Unit 3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-10 and 12-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-10 and 12-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6.19.2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claim 5, the language "fine holes difficult to recognize with a naked eye" is vague and indefinite. The claim also lacks structure, to support the functional language.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the sensor and control means must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

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changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5, 6, 8-10, and 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,058,518 to Akazawa in view of US Japanese No. 2001327438A to Uchida.

Regarding Claims, Akazawa discloses a toilet seat paper setting device comprising a toilet cover 4 equipped with a paper cassette B in which a plurality of toilet seat papers A, are placed to cover the seat surface of a toilet seat 3. The sheets are in stacked layers, separable one-by-one into separate paper sheets A. The seat 3 has an air suction hole E disposed in the toilet seat surface. A paper sheet from the cassette is held to the toilet seat by the suction means E

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when the cover 4 is placed on the toilet seat 3. The toilet seat 3 is coaxially hinged with the cover 4. 8. The paper cassette 5 comprises a container-portion with a paper passing frame 6 that has an opening allowing the toilet seat papers to pass through one-by-one and is detachably fitted to the container. An elastic member 7 between the stacked toilet papers and the container portion urges the stacked toilet seat papers against the paper passing frame member. The toilet seat paper that has an annular shape includes a U-shaped projection Ab that is one piece with the paper extending outwardly and is capable of being held by at least finger tips at an outer peripheral edge of the toilet seat paper to extend outwardly therefrom. The toilet seat paper is made of a water soluble material (column 3, lines 61-62) and contains an aroma constituent (column 4, 1-3). The method of attaching a toilet seat paper inlaid in the paper cassette is by suctioning the toilet seat paper with the air suction means when the toilet cover 4 is placed on the toilet seat 3.

Regarding Claims 1, 2, 5, 6, 9, and 10, Akazawa fails to disclose specific air suction means and methods. However, Uchida teaches a toilet seat that has lower and upper members, the upper having a plurality of holes 2. The holes are hard to recognize with a naked eye. Also taught is a suction means 3 to hold onto a toilet seat cover sheet. The air suction means 3 is for evacuating air through the suction holes 2. Uchida also teaches a sensor that detects a user's entry into a region near the toilet seat and generating an entry signal in response, and detecting the user's exit from the region and generating an exit signal in

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response. The air suction means is activated with the control means after reception of an entry signal from the sensor and stays activated until reception of an exit signal from the sensor. The air suction means is activated while a user remains seated on the toilet seat to keep the toilet seat paper attached. A control means is for activating the air suction means 3 based on an entry signal from the sensor and deactivating the air suction means based on an exit signal from the sensor. The air suction means 3 is disposed outside of a toilet main body, and an air suction passage is disposed within the toilet seat for communication between the air suction device 3 and the air suction holes 2. It would have been obvious to include the toilet seat and suction means of Uchida into the toilet of Akazawa because Akazawa had the same use and suction means, but Uchida explained more specifically how it worked. Same with the method of Uchida, it would have been obvious to include the method of having the sensor detect someone entering into the area to begin the air suction means, leaving the air suction means on while the user sits on the seat, and then turning off after the user leaves. This method allows for the system to be effective in grabbing a sheet from the cassette and then staying on the seat during the use of the toilet seat, without having to use the extra energy of leaving the air suction means on all of the time.

Regarding Claim 14, Akazawa discloses all claimed features except for having the projection in an area between the user's legs. It would have been obvious to one of ordinary skill in the art to have the projection tab, between the

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user's legs as it would have been an obvious alternative.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,058,518 to Akazawa in view of US Japanese No. 2001327438A to Uchida and in further view of US Patent No. 4,649,575 to Blair.

Regarding Claim 4, Akazawa in view of Blair includes all claimed features except for the toilet seat being of a thermally insulating material. However Blair teaches a thermally insulating material for a toilet seat. It would have been obvious to one of ordinary skill in the art to have incorporated the thermally insulating material of Blair into the toilet seat of Akazawa because the thermally insulating seat keeps the seat warm and comfortable for the user.

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,058,518 to Akazawa in view of US Japanese No. 2001327438A to Uchida and in further view of US Patent No. 4,979,237 to Hazar.

Regarding Claim 19, Akazawa discloses all claimed features except for a separate tab on the seat cover paper. However, Hazar teaches a separate tab 220 on the seat cover paper 210. It would have been obvious to one of ordinary skill in the art to have incorporated a separate tab from Hazar onto the paper sheets of Akazawa because Hazar teaches that the separate tab is an alternative option to a tab that is one piece with the paper sheets (column 5, lines 55-65).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIN YOKAY whose telephone number is (571)270-7429. The examiner can normally be reached on Monday through Thursday 7:30-5:00, every other Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on (571)272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EY

/Kevin P. Shaver/
Supervisory Patent Examiner, Art Unit 3754